

**MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – NOVEMBER 18, 2009
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

1. CALL TO ORDER.

Mayor Stearley called the meeting to order at 6:30 P.M. All Councilors were present. Also present was Ms. Karen Mahalick, A.I.C.P., Administrator, and Ms. Estefanie B. Muller, Clerk-Treasurer.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF AGENDA.

MOTION: Councilor Felton made a motion to approve the Agenda as presented. Councilor Abrams seconded the motion.

VOTE: Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

4. APPROVAL OF CONSENT AGENDA.

- A. Regular Council Meeting Minutes of November 4, 2009.
- B. Acknowledge receipt of Planning & Zoning commission Meeting Minutes of November 2, 2009.
- C. Acknowledge Receipt of the Animal Control Report for the month of October, 2009.
- D. Acknowledge Receipt of the Police Report for the month of October, 2009.
- E. Acknowledge Receipt of the Parks & Recreation Report for the month of October, 2009.
- F. Acknowledge Receipt of the Library Report & Board Minutes for October, 2009.

MOTION: Councilor Simmons made a motion to approve the Consent Agenda. Councilor Felton seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

5. MATTERS FROM THE MAYOR.

- A. Appointment of Ms. Leslie Worley as Library Advisory Board Alternate Member.
Mayor Stearley appointed Ms. Leslie Worley as the Alternate Member of the Library Advisory Board.

MOTION: Councilor Simmons made a motion to approve the appointment of Ms. Leslie Worley as the Alternate Member of the Library Advisory Board. Councilor Abrams seconded the motion.

VOTE: Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

B. Santa Fe County Meeting Update.

Mayor Stearley discussed the meeting he attended with Commissioner Anaya, Councilor Simmons, and Ms. Mahalick regarding the Counties support of the Sewer System for the Town. He added that Ms. Mahalick had determined the current JPA did include the collection lines and therefore she had filed for the \$400,000.00 and they had asked for an additional \$800,000.00 from the County to which Commissioner Anaya was very receptive. Commissioner Anaya also directed the County Manager to put the request for the additional \$800,000.00 on their January Commission Meeting Agenda as well as expedite the payment for the \$400,000.00. Mayor Stearley stated the meeting in January would be Commissioner Anaya's last meeting as the Chair and asked all the Councilors to attend if possible. Councilor Hill asked if it would be appropriate for the Council to pass a Resolution thanking Commissioner Anaya for his service to the Town. He asked the Council to make a recommendation if they knew of any candidates for the position.

6. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

Councilor Hill discussed an email he had received from Steve Shepherd the director of Health and Housing Department including social services for the County regarding the resignation of the Edgewood representative for Senior Advisory Committee.

7. MATTERS FROM THE ATTORNEY.

None.

8. MATTERS FROM THE ADMIN/PLANNER.

A. Infill Annexation.

Ms. Mahalick presented the Findings of Fact and Conclusions of Law from the Boundary Commission and reviewed them for the Council. She added it would cost approximately \$10,000.00 to appeal their decision but that Mr. Rael stated the other option would be to wait until after the elections, address all of the issues the Boundary Commission found, and then re-apply. Council requested time to look at the documents and place this item on the next Agenda for discussion.

B. Call for Public Hearing to amend Town of Edgewood Personnel Ordinance No. 2003-5, Section 2.28.060, C.1. Probationary Period Considerations & Procedures.

Ms. Mahalick reviewed this for the Council and stated Chief Daniels would like the probationary period for officers to stand at 1 year.

Chief Daniels presented his reasons for requesting a 1 year probationary period for all officers so that he may get a good feel for the officers on the street. He added that if he hires a recruit they would be at the academy for five months and then in training with another officer for 4 months so 1 year would give him more time to evaluate an officer.

Ms. Mahalick stated the Council would need to call for a public hearing to amend the personnel Ordinance.

MOTION: Councilor Felton made a motion to call for a public hearing to amend the Personnel Ordinance to include a 1 year probationary period for all new officers. Councilor Hill seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

C. Approval for Parity Pay Plan.

Ms. Mahalick reviewed this item for the Council stating there were 4 officers that came in at the same time, all are serving in the same capacity and should all be at the same pay rate. She added this would increase the payroll by approximately \$6800.00 and can be reviewed at the time of the mid year review but there is room in the budget for this increase.

MOTION: Councilor Simmons made a motion to approve the Parity Pay Plan as discussed. Councilor Felton seconded the motion.

VOTE: Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

9. RESOLUTIONS.

A. Resolution No. 2009-42 Annexation Moratorium.

Ms. Mahalick reviewed this item for the Council stating it is standard action prior to an election as a means to solidify the Town boundaries.

MOTION: Councilor Hill made a motion to adopt Resolution 2009-42 for purposes of the Election. Councilor Abrams seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

B. Resolution No. 2009-43 P.E.R.A. Municipal Police Plan 5.

Ms. Mahalick reviewed this item for the Council and described its purpose, function and impact to the Town.

Chief Daniels explained that all the officers were in favor of this plan and he explained it could lead to more consistency and stability in the police department.

MOTION: Councilor Abrams made a motion to adopt Resolution 2009-43. Councilor Felton seconded the motion.

VOTE: Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

10. PUBLIC COMMENTS. Limit to 2 minutes per person.

Note: If you plan to testify under Public Hearings, please do not sign up for this topic.

Mr. Bob Steiner discussed the proposed in-fill annexation stating he was very impressed with Ms. Mahalick and the Town Attorney at the hearing.

Councilor Simmons suggested the Town Office record the number of calls for animal control and police service from residents outside the Town Boundaries.

Mr. Chuck Ring complimented the Mayor, Ms. Mahalick, Councilor Hill and Councilor Simmons for bringing money back to the Community. He also discussed the in-fill annexation and suggested the Council prepare another petition as opposed to appealing the decision.

Mr. Eric McDonough discussed his new company East Mountain Recycle. He discussed his fees for residential and commercial service and schedules.

11. PUBLIC HEARINGS.

Legislative Procedure: Certification that Public Notice of this Meeting has been posted as required:

Ms. Mahalick confirmed public notice had been posted as required.

A. Amendment to Ordinance No. 2007-14 “An Ordinance Establishing a Parks & Recreation Advisory Committee”.

Ms. Mahalick reviewed this item for the Council and discussed the changes the Attorney had made to the Ordinance.

At this time Council discussed some additional changes and additions to the Ordinance.

Ms. Sue West discussed the application for committee members and asked about the portion to pertaining to Town Residents.

Ms. Mahalick responded that this would need to be addressed on the application but that residency does apply to the Planning & Zoning Commission.

Council discussed the role and responsibility of staff in these committees as well as the committee obligating the Town financially.

Ms. Mahalick clarified the history of this Resolution and its purpose.

MOTION: Councilor Hill made a motion to approve the amendments to Resolution 2007-14 with these changes as discussed

1. Under item B sub section 1 delete the word adjacent and insert the word proximate.
2. Under sub section 4 add this language after and.....including termination of sub committees.
3. Inserting a new item 6 which states.....provide orientation to committee members regarding compliance with established committee guidelines and/or standards.
4. Renumbering item 6 to item 7 and deleting what is shown as item 7 in the draft.

Councilor Simmons seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

12. APPROVAL OF BOND QUESTION FOR THE ELECTION RESOLUTION.

Ms. Mahalick reviewed this item for the Council describing the meeting she had with Mr. Paul Cassidy, Mr. Rael, Town Attorney, and Mr. David Bucholtz, a bonding Attorney who handles most of the Albuquerque Bonding. She added they had discussed the bonding process, potential Bond questions as well as the costs involved. Mr. Bucholtz will subcontract with Mr. Rael's office as the Bond Attorney for the Town and will prepare and process all documents for the Bond Resolution and contact the Department of Finance and Administration for approval. He will publish and provide the necessary information for the election itself. She added that if the bond question does not pass, Mr. Bucholtz fee will be approximately \$2,000.00 as well as Mr. Cassidy's. If the bond question passes, those fees are approximately \$25,000.00 for Mr. Cassidy and approximately \$25,000.00 for Mr. Bucholtz and are built into the bond itself. On December 2, 2009 the Council will have an opportunity to review the full Election Resolution based on the questions they will discuss this evening.

At this time Ms. Mahalick reviewed the documents provided by Mr. Cassidy regarding the full bonding capacity and the first year election of 2010 could bring in. She stated Mr. Cassidy suggested the wording be changes from arterial to municipal public road paving bonds to avoid being locked into arterial streets. She also discussed the public works facility and it s total build out costs.

At this time the Council discussed the provided documents, the wording and bonding capacity.

MOTION: Councilor Hill made a motion to move forward with legal Counsel and Consulting to prepare the General Obligation Bonds for Municipal Public Road Paving at 1.9 million dollars and one for General Obligation Bonds for Public Works Facility at 2.3 million dollars. Councilor Felton seconded the motion.

VOTE: Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felton voted aye. Councilor Hill voted aye. The motion carried.

13. FINANCE & ADMINISTRATION.

A. Approval of Town Bills.

MOTION: Councilor Simmons made a motion to approve the Town Bills for the month of October, 2009. Councilor Felton seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Simmons voted aye. Councilor Hill voted aye. The motion carried.

B. Approval of Financial Report for the month of October, 2009.

MOTION: Councilor Hill made a motion to approve the Financial Statement for the month of October, 2009. Councilor Abrams seconded the motion.

VOTE: Councilor Hill voted aye. Councilor Simmons voted aye. Councilor Felon voted aye. Councilor Abrams voted aye. The motion carried

14. ANNOUNCEMENT & CALENDAR REVIEW.

A. Regular Council Meeting December 2, 2009.

B. Regular Council Meeting December 16, 2009.

Note: The Town Hall offices will be closed November 26th, 27th, in observance of Thanksgiving Day.

Mayor Stearley reviewed announcements and upcoming calendar of events.

15. FUTURE AGENDA ITEMS.

Ms. Mahalick discussed a possible meeting with the PRC regarding the NM American Water case. She added she would provide the time and date for the Council via email as soon as she has it. Councilor Hill gave an update on the water supply issues for Section 16 and requested an agenda item for the December 2nd Council Meeting.

Councilor Felton suggested the Council begin discussions on solid waste collection costs and related issues.

Councilor Abrams reminded everyone of the Flag Burning Ceremony that will take place Monday, November 23, 2009.

Ms. Mahalick stated this could be posted on the Town website.

16. ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn.

VOTE: All Councilors voted aye. The motion carried.

Mayor Stearley adjourned the meeting at 7:50 P.M.

PASSED, APPROVED and ADOPTED this 2nd day of December, 2009

Honorable Robert Stearley, Mayor

ATTEST:

Estefanie B. Muller, Clerk-Treasurer